

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RONALD A. ROGANTI,

Plaintiff,

Civ. Act. No.: 12 CV 0161 (PAE)

-against-

METROPOLITAN LIFE INSURANCE COMPANY,
METROPOLITAN LIFE RETIREMENT PLAN FOR
UNITED STATES EMPLOYEES, SAVINGS AND
INVESTMENT PLAN FOR EMPLOYEES OF
METROPOLITAN LIFE AND PARTICIPATING
AFFILIATES, THE METLIFE AUXILIARY PENSION
PLAN, and THE METROPOLITAN LIFE
SUPPLEMENTAL AUXILIARY SAVINGS AND
INVESTMENT PLAN,

Defendants.

NOTICE OF APPEAL

DOCUMENT
ELECTRONICALLY FILED

-----X

Notice is hereby given that defendants Metropolitan Life Insurance Company (“MetLife”), Metropolitan Life Retirement Plan for United States Employees, the MetLife Auxiliary Pension Plan, the Savings and Investment Plan for Employees of Metropolitan Life and Participating Affiliates, and the Metropolitan Life Supplemental Auxiliary Savings and Investment Plan hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment of the United States District Court for the Southern District of New York entered in this case on November 22, 2013 (Doc. No. 52), as well as from each and every part of the Opinion and Order of the Hon. Paul A. Engelmayer, U.S.D.J. that was filed in the Court on June 18, 2012 (Doc. No. 17), denying defendants’ motion to dismiss the Complaint and remanding the claim for further consideration by MetLife, and the Memorandum and Order of the Hon. Paul A. Engelmayer, U.S.D.J. that was filed in this Court on September 25, 2013 (Doc. No. 45), granting Plaintiff

judgment on summary trial and denying MetLife's Motion for Judgment on Summary Trial and entering judgment in plaintiff's favor. (Doc. Nos. 45).

Dated: December 2, 2013
New York, New York

s/ Michael H. Bernstein

Michael H. Bernstein (MB-0579)
John T. Seybert (JS 5014)
SEDGWICK LLP
225 Liberty Street, 28th Floor
New York, New York 10281-1008
Tel: (212) 422-0202
Fax: (212) 422-0925
Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Michael H. Bernstein, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF APPEAL** was served via ECF and regular mail on this 2nd day of December 2013, upon the following:

David G. Gabor Esq.
The Wagner Law Group
99 Summer Street, 13th Floor
Boston MA 02110
Attorneys for Plaintiff
Business E-mail: dgabor@wagnerlawgroup.com

Dated: December 2, 2013
New York, New York

s/ Michael H. Bernstein

Michael H. Bernstein (MB-0579)